

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Official Minutes June 2, 2004

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEFFERSON CITY, MISSOURI, ON WEDNESDAY, JUNE 2, 2004**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Wednesday, June 2, 2004, in Jefferson City, Missouri, was called to order at 9:30 a.m. by Bill McKenna, Chair. The following Commissioners were present: Marjorie B. Schramm, Vice Chair, James B. Anderson, Duane S. Michie, Wallace S. Hartsfield, and Larry D. Webber.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Mr. Dave Snider, Interim Director of the Missouri Department of Transportation;
Mr. Rich Tiemeyer, Chief Counsel for the Commission; and Mrs. Mari Ann Winters,
Secretary to the Commission, were present on Wednesday, June 2, 2004.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation
Commission.*

CLOSED MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

The Commission met in the Closed Meeting from 8:00 a.m. until 9:30 a.m.

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APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETING, MAY 12, 2004

Upon motion duly made and seconded, the Commission unanimously approved the minutes of its May 12, 2004, regularly scheduled meeting. The Chair and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda

consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

No items were removed from the June 2, 2004, consent agenda. Upon motion by Commissioner Anderson, seconded by Commissioner Schramm, the consent agenda items were unanimously approved.

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REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has five standing committees (Audit Committee, Bond Financing Committee, Building Committee, Compensation Committee, and Legislative Committee) and one short-term committee (Director Search Committee). In addition, it elects Commission representatives to two boards (Missouri Transportation Finance Corporation and Highway and Transportation Employees' and Highway Patrol Retirement System). The following committee reports were made during the June 2, 2004, meeting.

Audit Committee – Commissioner Michie reported that the Audit Committee approved the 2005 audit plan recommended by the Audits and Investigations Director. In addition, the Audit Committee revised both the Audit Charter and the Audit Committee Charter primarily to reflect MoDOT job title changes. Commissioner Michie noted that the Audits and Investigations Director reports to both the Director and the Commission. He said this dual reporting structure provides the independence needed for the Audits and Investigations Director to investigate and audit issues at all levels within MoDOT and report directly to the Commission thereon. The revised charters are printed in their entirety below.

**Missouri Highways and Transportation Commission
Audit Committee
Charter**

Pursuant to the unanimous decision of the Missouri Highways and Transportation Commission at its meeting of September 4, 1998, an Audit Committee was established and charged with interacting with internal and external auditors and performing specific financially related assignments as the Committee and Commission deem appropriate, and with providing periodic reports to the Commission. This Charter is hereby adopted to clarify the responsibilities of the Audit Committee and delegate to the Audit Committee the authority necessary to accomplish its mission.

1. The Audit Committee is a standing committee composed of not less than two Commissioners, appointed by the Chairman of the Missouri Highways and Transportation Commission, to serve for such terms as agreed to by the Chairman and the members of the Audit Committee. The Audit Committee shall select its chairman from its membership, to serve for such term as determined by the Committee.
2. The Audit Committee shall be responsible for the following:
 - a. Approve the appointment of the independent auditor.
 - b. Meet with the independent auditor to review the results of the independent audit, including the auditor's recommendations for improvement and management's responses.
 - c. Meet privately with the independent auditor, as deemed necessary by the Audit Committee or the independent auditor.

- d. Periodically meet with the Director of Audits and Investigations (AI) to review the results of internal audits, including management's response.
- e. Meet privately with the Director of AI, as deemed necessary by the Audit Committee or the Director of AI.
- f. Meet at least annually with the State Auditor to discuss audit findings and management's response.
- g. Meet at least annually with the Director of Finance for a briefing and analysis of the department's system of internal controls.
- h. Report the results of the Audit Committee meetings to the Commission.

**Missouri Department of Transportation
Audits and Investigations Unit
Audit Charter**

Accountability and Authority

The Director of Audits and Investigations will report to the Director of the Missouri Department of Transportation and, as necessary, to the Audit Committee of the Missouri Highways and Transportation Commission. The Audits and Investigations Unit (AI) will not be organizationally located within the staff or line management functions of the department.

The AI has continuing access to all records, letters, notes, memoranda, and other data (except attorney-client privileged materials in Chief Counsel's Office files) produced by any office or individual that relates in any way to the operations of the Missouri Department of Transportation. Accordingly, the Missouri Highways and Transportation Commission and the Director of the Missouri Department of Transportation direct all employees of the department to provide all requested information to the AI, and indeed to volunteer information of which the AI may be unaware.

Scope of Work

The audit functions of the AI shall include, but not be limited to, the following:

- a. The AI shall conduct internal audits and reviews of the Missouri Department of Transportation's operations. The audits and reviews will provide the department and the Missouri Highways and Transportation Commission with objective appraisals concerning department programs and functions and make recommendations for necessary improvements.

Audits will be performed in accordance with Government Auditing Standards, issued by the Comptroller General of the United States, and may include financial audits, attestation engagements and performance audits, as defined therein.

Additional guidance for the performance of these functions will be the AI's Audit Policy and Procedures Manual, as well as regulations issued by the Federal Highway Administration.

- b. The AI shall conduct audits and reviews of actual cost contracts or grants awarded to third party entities, as deemed necessary to ensure the terms of the contract or grant have been met; the cost billed for providing the contract item or grant purpose was incurred and eligible; and to determine compliance with established MoDOT policies, plans, and procedures, as well as federal and state laws and regulations.

Primary guidance for the performance of these functions will be Government Auditing Standards, issued by the Comptroller General of the United States; Office of Management and Budget Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations"; regulations and procedures of the Missouri Department of Transportation and the Federal Highway Administration; the Federal Acquisition Regulations; and the Revised Statutes of Missouri.

- c. In addition to these functions, the AI shall perform special reviews as requested by the department Director, the Chief Engineer, the Director of Finance, other department officials, or the Audit Committee of the Missouri Highways and Transportation Commission.

The AI shall coordinate with other audit and review groups that are concerned with the operation of the department; or the operation of the various contractors, consultants, and subrecipients of the department. AI audits and reviews shall be executed in such a manner as to minimize duplication of effort.

Independence

The AI is an integral part of the department's system of internal control. As such, the AI's functions are so fundamentally important that they are designated as ongoing and continuing, and are to be free from all organizational, internal and external impairments that might interfere with or otherwise influence, restrict, or modify the scope or character of audits or reviews, or the selection of audit or review procedures.

The AI shall not become involved in the management of the department or in the implementation of corrective action taken as a result of audit or review recommendations. In all cases, the AI will remain independent, to ensure impartial and unbiased opinions, conclusions and judgments.

Director Search – Commissioner Anderson reported that the process for hiring a MoDOT Director has proceeded to the point where the Director Search Review Team will be asked to provide written observations on the short list of candidates that will be interviewed

by the Commission. It is anticipated that Commission interviews will take place prior to the July 9, 2004, Commission meeting.

Retirement – Commissioner Anderson reported that the Board of Trustees for the retirement system had hired an investment consultant, Summit Strategies of St. Louis. In response to an inquiry by a member of the legislature, the Board will be working with the staff over the next several months to outline the pros and cons of merging the Missouri Department of Transportation and Highway Patrol Retirement System with the Missouri State Employees Retirement System. At the end of April 2004, the retirement system assets were \$1,324,756,000.

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**RESOLUTION EXPRESSING APPRECIATION TO
HENRY HUNGERBEELER FOR SERVICE AS THE
DIRECTOR, MISSOURI DEPARTMENT OF TRANSPORTATION**

WHEREAS, Mr. Henry Hungerbeeler was named Director of the Missouri Department of Transportation on March 1, 1999, and served in that capacity until February 29, 2004; and

WHEREAS, Mr. Hungerbeeler presided over some of the most contentious times in MoDOT's history and stood strong as a spokesman for the department's core values; and

WHEREAS, Mr. Hungerbeeler was recognized as one of the national experts on security issues for transportation through appointment to lead a national task force on security following 9/11; and by appointment as chairman of a national Blue Ribbon Panel on Bridge and Tunnel Security; and by serving as a member of the state security task force; and

WHEREAS, Mr. Hungerbeeler led MoDOT to recognition as the most effective department of transportation in the nation at estimating construction project costs, as evidenced by a four-year period during which construction project costs came within one-third of one percent of estimated costs on a more than \$2 billion program; and

WHEREAS, Mr. Hungerbeeler made great strides to reach out to the public to determine their wants and needs for transportation; and

WHEREAS, Mr. Hungerbeeler was instrumental in creating and fostering better customer service by implementing a series of processes and procedures to ensure customer feedback was received, heard and responded to in a timely manner; and

WHEREAS, Mr. Hungerbeeler culminated his MoDOT career by delivering the historical first-ever state of transportation address to a joint session of the Missouri legislature to the acclaim of lawmakers, stakeholders and the public,

NOW, THEREFORE, BE IT RESOLVED that the Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Mr. Hungerbeeler for the public service he has performed for the citizens of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Mr. Hungerbeeler so he will have a permanent record of the high esteem in which the members of the Missouri Highways and Transportation Commission and MoDOT staff hold him.

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ASPHALT PAVEMENT ALLIANCE PERPETUAL PAVEMENT AWARD

On behalf of the Asphalt Pavement Alliance, Mr. David Yates, Executive Director of the Missouri Asphalt Paving Association, presented a Perpetual Pavement Award to MoDOT's Interim Director Dave Snider, recognizing the long life of a 20.6-mile portion of Route 63, Texas County. The award is given to owners of asphalt pavements that are at least 35 years old and never experienced a structural failure. The road must also demonstrate excellence in design, quality in construction, and value to the traveling public.

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NATIONAL ASSOCIATION OF GOVERNMENT COMMUNICATORS BLUE PENCIL AWARD AND GOLD SCREEN AWARD

On behalf of the Interim Director, Kathy White, Public Information and Outreach Director, reported that MoDOT had won two national awards for its communications efforts: the Blue Pencil Award recognized MoDOT's *Pathways* magazine, and the Gold Screen Award recognized the "No More Trash" video public service announcement, which was a joint effort with the Missouri Department of Conservation.

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HEARING – U.S. HIGHWAY 36-INTERSTATE 72 CORRIDOR TRANSPORTATION CORPORATION

Mr. Tom Boland, Chairman, U.S. Highway 36-Interstate 72 Corridor Transportation Corporation, was the spokesman for a delegation asking the Commission to upgrade the 52-mile section of Route 36 extending from Macon to west of Hannibal to four lanes by June 30, 2008. This improvement would result in the completion of the four-lane improvement across the northern portion of the state. Mr. Boland pointed out that completion of the improvement is critical for economic development and connectivity.

Mr. Boland noted that representatives of the U.S. Highway 36-Interstate 72 Corridor Transportation Corporation were working diligently to identify and implement a funding plan that would allow the corporation to provide 50 percent of the funds needed for the project. To this point, the group has been pursuing federally earmarked funds plus local sales tax. Mr. Boland pointed out, however, that the lack of economic development in northeast Missouri makes it extremely hard to secure substantial amounts of funding for this large project. He said representatives of the transportation corporation have recently determined that it would not be prudent to ask the people of northeast Missouri to pay the high cost of retaining bonding companies, bond counsel, and investment companies in order to accelerate the project. He said while no definitive decision had been reached by the group, it was beginning to appear that the most the group would be able to offer to the Commission for upgrading Route 36 would be a substantial sum of money over a relatively short period of time (10 to 15 years).

Mr. Boland asked the Commission to commit to a date certain when this improvement would be made under various funding scenarios. He said the people in

northeast Missouri need this type of information in order to make an informed decision regarding taxing themselves to help pay for the improvement.

Commissioner Webber told the Commission that he had met with members of the delegation and he applauded their commitment to completing Route 36.

Chief Engineer Kevin Keith reported on major projects underway and scheduled in the northeast Missouri area. He reported that current funding levels did not allow the 52-mile improvement of Route 36 to be included in the draft 2005-2009 Statewide Transportation Improvement Program. He emphasized that the level of federal funding that will result from the reauthorization bill, as well as the level of federal funds that may be earmarked for this project, remain unknown, making it difficult to determine a schedule for this project.

Chairman McKenna pointed out that voter approval of an initiative petition, anticipated to be a ballot proposal later this year, will dedicate funding for bond financed projects, which will allow some of Missouri's major corridor improvements to be completed. He asked the Chief Engineer to review the scenarios submitted by Mr. Boland and respond.

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STATE LEGISLATION, 2004

On behalf of the Interim Director, Jay Wunderlich, Governmental Affairs Director, discussed the bills considered and approved by the General Assembly during the 2004 legislative session.

Toll Roads and Primary Seat Belt Enforcement – Mr. Wunderlich stated that while major legislative proposals authorizing toll roads and a primary seatbelt law were not passed during the 2004 legislative session, debate on the bills set the stage for possible consideration of these measures during the 2005 legislative session.

Self-insurance on Leased Vehicles – Legislation was enacted to allow MoDOT to self-insure the vehicles it leases from various leasing agencies. This measure is anticipated to save the Department approximately \$30,000 annually.

Commercial Motor Vehicle Registration – Legislation was enacted to allow commercial motor vehicles to be registered at the beginning of any quarter, rather than during the first quarter only.

Commission Organization – A statutory provision was enacted to clarify the way members of the Commission select its chair and vice chair.

Commercial Driver's License – Numerous changes to Missouri's current Commercial Driver's License (CDL) law were enacted to comply with federal law. The changes include (1) requirements for CDL applicants to disclose the states in which they were licensed to drive during the prior ten-year period and (2) disqualification of CDLs for alcohol related offenses. This act will prevent the state from losing approximately \$40 million per year in federal funds.

Headlights in Inclement Weather – A statutory provision was enacted to require motorists to use vehicle headlights during dark and stormy weather.

Specialized License Plates – Enacted legislation requires the Joint Committee on Transportation Oversight to work with the Department of Revenue on specialized license plate issues. The legislation mandates that 200 applications must be submitted prior to a new license plate design being issued.

Outdoor Advertising – Legislation was enacted to prohibit billboards with adult cabaret or sexually oriented messages from being located within one mile of a state highway. Existing signs may be left in place for three years.

Multimodal Transportation Service – A concurrent resolution was passed creating a ten-person committee to study the issue of multi-modal transportation services in Missouri. The committee members (five from the Senate and five from the House of Representatives) will be appointed after June 1, 2004. The committee is to submit its report by January 15, 2005.

Compensation for Loss of Access - A statutory provision was passed that will require property owners to be compensated for loss of access in those cases where property is not acquired. The staff anticipates this legislation could be costly for the Department and have a negative affect on the Statewide Transportation Improvement Program.

Salary Increase for State Employees - The state budget contains a \$1200 per year pay raise for most state employees.

Mr. Wunderlich stated that the statutory provisions approved by the General Assembly noted above are awaiting the Governor's signature.

Chairman McKenna complimented Mr. Wunderlich and the Governmental Affairs staff for their efforts and asked the Chief Engineer to consider preparing models or other visual aids as an educational tool to demonstrate how local traffic can avoid paying tolls.

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JOB STUDY

On behalf of the Interim Director, Micki Knudsen, Human Resources Director, reviewed the compensation and benefit plan study initiated in 2000. As a result of the study performed by Deloitte & Touche, she said the Department has a new job evaluation system. In addition, the study confirmed that MoDOT has (1) an above average medical insurance program, (2) a very strong retirement plan, and (3) existing pay ranges that are appropriate for the majority of positions within MoDOT.

Ms. Knudsen recalled that Phase I of the study's implementation plan, which included revisions to the overtime classifications, took effect in January 2003.

With regard to Phase 2 of the implementation plan, she recommended the following:

1. MoDOT continue to use its existing salary structure with modifications and updates as needed to address salary increases legislatively appropriated and approved by the Governor and the Commission and other changes to the salary structure deemed appropriate by the Commission.
2. Use of the job evaluation methodology developed by the consultant as one of many tools for evaluating MoDOT jobs rather than adopting this methodology as the exclusive tool for job analysis.

Ms. Knudsen recommended that Phase 3 of the study's implementation plan, which pertained to pay for performance, not be implemented because performance increases have not been forthcoming through the legislative process and are not anticipated in the foreseeable future.

Commissioner Schramm recognized the wide range of skills and public contact required of MoDOT employees and, therefore, understood the advantage of using the private sector to conduct the compensation study. Once completed, however, she said it was necessary to hone the results to the organization. She acknowledged the significant amount of time spent by the Human Resources Division in analyzing the consultant's work and consulting with the Divisions and Districts. She expressed confidence that as a result of that effort, the Human Resources Division has the expertise needed to perform future studies of this type.

Commissioner Anderson stated, for clarification, that in the future MoDOT would not need to use the consultant approach for compensation and job evaluation studies; however, the work of the consultant has become a portion of the framework that will be used internally to make appropriate changes.

Chairman McKenna pointed out that the Blue Ribbon Panel had recommended that the job study results be released to the employees, and clarified that the job study, in its entirety, would be made available to employees and others who have an interest in it.

Commissioner Schramm moved approval of the recommendations; the motion was seconded by Commissioner Anderson and unanimously approved.

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SALARY INCREASES, FISCAL YEAR 2005

Interim Director Dave Snider advised the Commission that the legislature had approved a \$1200 across-the-board annual salary increase for state employees and the Governor had sent a message to all state employees expressing his intent to sign that proposal. Mr. Snider recommended, therefore, that subject to formal approval by the

Governor, effective July 1, 2004, a \$1200 annual personal services increase be granted to all salary and wage employees and that career ladder and inequity increases be permitted within the amounts appropriated by the legislature for compensation.

Commissioner Anderson moved approval of the recommendation; Commissioner Schramm seconded the motion and it was unanimously approved.

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FISCAL YEAR 2005 BUDGET

In keeping with the budget approved by the Commission for submission to the Governor and subsequent legislative revisions made thereto, Pat Goff, Director of Finance, and Herbert Wheeler, Resource Management Director, presented a proposed detailed Fiscal Year 2005 Budget for review by the Commission.

Mr. Goff said that as a result of heightened awareness of use of highway user funds by other state agencies, appropriations to other agencies were decreased by almost \$1 million. He emphasized that these funds were reallocated to the road and bridge program.

Mr. Wheeler reviewed in detail the revenue and expense assumptions used in preparing the budget.

Commissioner Michie asked the staff to provide trend lines regarding capital investments, fleet management, Information Systems expenditures, etc.

Commissioners Michie, Anderson, Schramm, and Webber expressed concern about the amount of funding proposed for the Information Systems program and asked for further breakdown on the proposed use thereof.

In an effort to move toward performance-based budgeting, Commissioner Anderson proposed that once the budget is approved, it be amended only where necessary to authorize higher spending levels. This practice will more clearly measure budget performance.

Chairman McKenna cautioned the staff to ensure that expenditures were in keeping with the Department's goals and not as a result of positive year-end budget balances.

Upon motion by Commissioner Anderson, seconded by Commissioner Schramm, the Commission unanimously approved Fiscal Year 2005 spending at the Fiscal Year 2004 budgeted level for the period July 1, 2004, through July 9, 2004. The Commission will review the Fiscal Year 2005 budget and act thereon at its July 9, 2004, meeting.

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MODIFIED FUNDING DISTRIBUTION

On behalf of the Interim Director, Kevin Keith, Chief Engineer, noted that the staff is projecting an increase in funding for the Statewide Transportation Improvement Program over the next five-year period. As a result, he recommended the following three changes in the funding allocation:

1. Increase funding for economic development/cost share by \$10 million per year, for a total of \$30 million per year.
2. Increase funding for taking care of the existing system by \$30 million, for a total of \$430 million.
3. Allocate remaining funds to Major Projects and Emerging Needs, resulting in a projected annual average increase of \$97 million, for a total of a projected \$334 million per year.

After discussion and upon motion by Commissioner Schramm, seconded by Commissioner Anderson, the Commission unanimously approved the above recommendations.

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**TRANSPORTATION SYSTEM MANAGEMENT
AND OPERATIONS PROJECT,
WEATHER RESPONSE SYSTEM PROPOSAL**

On behalf of the Interim Director, Steve McDonald, State Traffic Engineer, recommended approval to negotiate and execute a cooperative agreement with Federal Highway Administration (FHWA) for development of a Weather Response System. The deployment of a Weather Response System and using weather effects information for transportation management will help with the Department's efforts to improve traffic flow on the state's transportation system. FHWA will provide \$1 million in earmarked funds to Missouri as a cost share to develop the Weather Response System for use nationwide.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, or Director of Operations to execute the contract, subject to approval as to form by the Chief Counsel's Office.

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**BREAK IN LIMITED ACCESS AGREEMENT,
ROUTE 60, CARTER COUNTY**

On behalf of the Interim Director, Tom Stehn, District 9 Engineer, recommended approval of a request from the Missouri Conservation Commission to allow a 20-foot break in access at Station 12+555.000, Route 60, Carter County. The break in access will accommodate a driveway.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**RISK MANAGEMENT,
INSURANCE BROKER OF RECORD SERVICES,
SELF-INSURANCE PLAN**

On behalf of the Interim Director, Duane Amos, Risk Management Director, recommended approval of a one-year contract with AON of Kansas City to serve as MoDOT's Insurance Broker of Record providing a broad array of insurance and risk management related consulting services, including insurance marketing and placement of excess insurance coverage, general risk management consulting services, loss prevention/safety consulting services, and other technical risk management services. The contract contains an option for two annual renewals. The consulting fees range from \$110 per hour for safety/loss prevention to \$250 per hour for actuarial review.

Via approval of the consent agenda, the Commission unanimously approved the recommendation, and authorized the Director of Finance to execute the contract, subject to approval as to form by the Chief Counsel's Office.

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**2004-2008 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM,
2004 AMENDMENT**

On behalf of the Interim Director, Kyle Kittrell, Transportation Planning Director, recommended the following 26 new construction projects and one right-of-way purchase be added to the 2004-2008 Statewide Transportation Improvement Program (STIP). Five

projects address safety needs; sixteen projects address taking care of the system needs; four projects address major projects and emerging needs, and two projects address interstate needs.

County	Route	Job No.	Description of Location/Improvement
St Francois	67	0P0591G	Construct new service road at the fairgrounds, from Red Rooster Road to Maple Street 1.4 miles south of Route 67-32 interchange at Leadington, Red Rooster Road to Maple Street at Farmington.
St Francois	67	0P0591H	Construct new interchange at Route 67 and Old Orchard Road, east outer road between Stormy Lane and Weble Road 0.4 mile south of Route 47 and Route K interchange at Bonne Terre.
Dunklin	412	0P0892	Resurfacing - thin lift overlay intersection of Route 412 and Route 84 in Kennett south to Route 108.
Buchanan	59	1P0910	Bridge deck repair project for the Missouri River bridge at Atchison, Kansas.
Buchanan	759	1S0909	Widen pavement 0.1 mile south of Lower Lake Road, at Stockyards Expressway, in St. Joseph.
Saline Cooper	70	2I0737	Install guard cable and upgrade guardrail end sections (as necessary), signage upgrade from Lafayette County line to Route K in Cooper County. Funding from open-container penalty.
Lincoln	47	3P0712	Thin lift overlay from Route 79 to 2.4 miles east of Route 61.
Audrain Callaway	54	3P0720	Resurface two disconnected asphalt sections on northbound and southbound lanes from south of Callaway County line north 3.8 miles.
Jackson	470	4I1695	Repair pavement joints from west of Raytown Road to Bowlin Road.
Callaway	70	5I0849	Resurface the eastbound lanes from east of Route 54 east 6.4 miles.
Cole	50	5P0872	Add concrete traffic barrier in median of Route 50/63 from Monroe Street to east of Clark Avenue in Jefferson City.
Miller	54	5P0826	Thin lift resurfacing on 2-24' (disconnected sections) of eastbound and westbound lanes and guardrail modifications from Business 54 west junction east to 0.9 mile east of Route 87.
St Louis	70	6I1681	Reconstruct district wide lighting facilities from Goodfellow to downtown St. Louis.
St Louis	Var	6I1682	Replace St Louis Metro Interstate Structural signs at various locations. \$156 from Traffic Division.
St Louis City Jefferson	44 A	6I1752	Asphalt patching and ultrathin asphalt overlay along I-44 from east of Hampton Ave. to I-55 and along Route A from east of I-55 to Route 61.
Franklin St Louis	44	6I1848	Install 3-strand median guard cable from Route 185 at Sullivan to 1.0 mile west of Route 141 at Fenton.

St Louis	40	6P1456B	Intelligent Transportation System Operation for the Transportation Management Center building on South Forty Drive.
St Louis	40	6P1782	Revise right turn lane and island at eastbound Route 40 exit ramp at McKnight Road.
Various	Var	6P1831	Demolition and removal of 20 buildings at 7 areas in St Louis, St. Charles, and Jefferson counties. Buildings acquired for future roadway construction.
St Charles	94 Z	6S1745	Provide lighting facilities on Route 94 at Route DD and Route Z at Route N.
Barry	37	7P0675B	Grading, paving, and drainage for pavement replacement and resurfacing from 1.4 miles south of Route W to 0.3 mile south of Route 76. Project also adds left turn lanes at Old Exeter Road and upgrade signals at Old Exeter Road and Route 76.
Barton Dade	71 160	7P0775	Epoxy polymer overlays on bridges over Route 160 in Barton County and over Sons Creek in Dade County.
St Clair	82	7P0776	Epoxy polymer overlays on bridges over Boyles Branch, Brush Creek, Truman Reservoir, and Bear Creek.
Jasper	71	7S0762	Construct sidewalks on each side of Range Line Road from south of Route 66 (7th Street) to north of 15th Street in Joplin. Enhancement funds under project STP-3207-(702).
Greene	T	8L0500B	Contract level course from Route F east to I-44.
Laclede	W	8L0500C	Contract level course from near Phillipsburg to Loop-44 at Lebanon.
Webster	C	8L0500D	Contract level course from Route 38 to Route 60.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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EUREKA COMMERCIAL PARK TRANSPORTATION DEVELOPMENT DISTRICT, APPOINTMENT OF AN ADVISOR, APPROVAL OF THE PROJECT

On behalf of the Interim Director, Ed Hassinger, District 6 Engineer, and Pat Goff, Director of Finance, presented the Eureka Commercial Park Transportation Development District proposed transportation projects: improvements to the Fifth Street/Workman Road interchange, Brewster Road relocation at Workman Road, Workman Road enhancements, and creation of Workman Court. The total project cost is estimated to be \$1.4 million.

A portion of the transportation project would be built on the Commission's right-of-way, therefore, the Commission has a direct interest.

The Development District will fund the cost of the project through the imposition of a property tax and a sales tax pursuant to the Transportation Development District Act. The Commission will not be participating financially in the project.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 6 West St. Louis County Area Engineer as the Commission advisor to the Eureka Commercial Park Transportation Development District's board of directors, and (2) found the Commission's portion of the project to be a necessary and desirable extension of the state highways and transportation system, subject to the District making any revisions in the plans and specifications required by the Commission. In keeping with the Commission's Policy on Delegation of Authority to Execute Documents, the Director, Chief Engineer, or Director of Finance may execute the agreements related to this improvement.

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**WESTSIDE INTERMODAL TRANSPORTATION CORPORATION,
MISSOURI HIGHLAND PROJECT, APPROVAL OF THE AMENDED AND
RESTATED ARTICLES OF INCORPORATION AND AMENDMENT AND
EXPANSION OF PROJECT**

On behalf of the Interim Director, Pat Goff, Director of Finance, presented the Westside Intermodal Transportation Corporation's request to amend and expand the scope of the Missouri Highline Project to allow the Corporation to improve certain track, switches, controls, crossovers and related rail facilities operated by the Kansas City Terminal Railway Company (KCTR) in eastern Jackson County, Missouri. No additional funding is required as

the Corporation proposes to utilize the surplus funds available from the original bond issuance that financed the initial portion of the Missouri Highline Project.

The Corporation, the Commission and KCTR entered into a Cooperative Agreement for the purpose of establishing the respective duties and responsibilities of the Corporation, the Commission, and KCTR in the financing, design, acquisition, construction, maintenance, and operation of the Missouri Highline Project. This agreement will be amended at a later date to recognize that the scope of the original project has been increased.

The Corporation also proposes to amend its Articles of Incorporation to add the description of the original Highline project.

All operating, maintenance, and debt repayment costs are the responsibility of KCTR and its owners. The Corporation issued bonds to finance the Missouri portion of the Argentine Connection and Highline Projects. The bond financing for the Missouri Highline Project resulted in a surplus of approximately \$2.9 million in proceeds, which the Corporation proposes to use to fund the proposed amendment and expansion to the Missouri Highline Project.

Via approval of the consent agenda, the Commission unanimously (1) approved the amendment and expansion of the Highline Project as proposed by the Corporation, (2) approved the proposed amendment to the Corporation's Articles of Incorporation, and (3) authorized the Director, Chief Engineer, or Director of Finance to execute related agreements and financing documents, subject to staff approval of the plans and specifications and subject to approval as to form by the Chief Counsel's Office.

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CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

Award of Contracts, May 21, 2004, Bid Opening

On behalf of the Interim Director, Diane Heckemeyer, State Design Engineer, stated that bids for road and bridge improvement projects had been received on May 21, 2004.

Ms. Heckemeyer presented a tabulation of the bids received on all projects and recommended awards be made to the lowest responsive and responsible bidder noted below. She also recommended the award of Call 301 be contingent upon agreement signed by the City of Hannibal.

<u>Route County Project</u>	<u>Bid Amount Plus 3% for Contingencies</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
Call 101 36 Buchanan/Dekalb/Caldwell/ Livingston/Linn and Macon J1M0040	\$175,363.07		Central Seal Company Danville, KY
Call 102 116 Buchanan J1S0568	8,595,177.21		Radmacher Brothers Excavating Co., Inc. Pleasant Hill, MO
Call 103 36 Dekalb J1M0041	201,955.40	23,369.22	St. Joseph Fuel Oil & Manufacturing Co. St. Joseph, MO
Call 301 61 Ralls J3P0703	596,711.13	548.58	Bleigh Construction Company Hannibal, MO
Call 401 435 Platte J4I1612 210 Clay J4P1589	2,707,406.57	594.00	Realm Construction, Inc. Blue Springs, MO

152
Platte
J4S1611

Call 402

Various Routes 458,019.61
Clay/Platte
J4M0137

Collins & Hermann, Inc.
St. Louis, MO

Call 404

33 *4,205,295.39 1,139.10
Clay
J4S1579

Leavenworth Exc. & Equip.
Co., Inc./Julius Kaaz Const.
Co., Inc.
Leavenworth, KS

Call 405

7 2,024,368.68 1,312.00
Jackson
J4P1479

Radmacher Brothers
Excavating
Co., Inc.
Pleasant Hill, MO

Call 406

92 2,511,549.41 656.00
Platte/Clay
J4P1211

R. A. Knapp Construction,
Inc.
Kansas City, KS

Call 501

52 3,284,266.19 656.00
Miller
J5S0537

Emery Sapp & Sons, Inc.
Columbia, MO

Call 502

70 3,209,114.78
Callaway
J5I0843

Chester Bross Const. Co./
C.B. Equipment, Inc.
Hannibal, MO

Call 601

40 33,240.66 216.00
St. Louis
J6M0078

Collins & Hermann, Inc.
St. Louis, MO

Call 603

WITHDRAWN FROM LETTING

Call 604 44 Franklin J6I0735E	22,396,448.96	898.35	Millstone Bangert, Inc. St. Charles, MO
Call 605 64/40 St. Louis J6I1747	96,397.70		St. Louis Bridge Construction Company Arnold, MO
Call 607 C St. Charles J6S1026	819,080.81	225.88	Magruder Construction Co., Inc. Eolia, MO
Call 608 Various Various J6M0084	51,498.97		Gerstner Electric, Inc. Fenton, MO
Call 609 61/67 St. Louis J6S1493	3,338,820.62	2,179.00	N. B. West Contracting Company Brentwood, MO
Call 610 170 St. Louis J6M0085	488,095.82		NES Traffic Safety, L.P. Romeoville, IL
Call 611 CC St. Louis J6S1649	322,896.30	1,293.39	N. B. West Contracting Company Brentwood, MO
Call 612 61 St. Louis J6P1677	1,147,211.12		T. G.B., Inc. St. Louis, MO
Call 613 70 St. Louis J6I1572	4,006,646.44	1,521,028.00	Gerstner Electric, Inc. Fenton, MO

Call 614 185 Franklin J6S1697	275,013.28	144.00	N. B. West Contracting Company Brentwood, MO
Call 617 Various St. Louis J6P1758	157,637.69		St. Louis Bridge Construction Company Arnold, MO
Call 618 185 Franklin J6S1467	2,905,408.27	349.18	Robertson Contractors, Inc. Poplar Bluff, MO
Call 701 44 Various J7M0008	240,210.52		NES Traffic Safety, L.P. Romeoville, IL
Call 702 71 McDonald J7P0601H H McDonald J7L0400A	8,183,974.29	15,921.10	APAC-Missouri, Inc. Columbia, MO
Call 703 Various Various J7P0777	170,698.81		Sprouls Construction, Inc., Lamar, MO
Call 801 13 Greene J8P0697	1,934,885.11	58,372.61	Hartman and Company, Inc. Springfield, MO
Call 901 Various Texas/Howell/Reynolds/Iron and Oregon J9M0036	320,462.87		National Restoration Systems, Inc. Rolling Meadows, IL

Call 902

44 310,197.25
 Newton/Lawrence/Greene/
 Webster/Laclede/Pulaski/
 Phelps and Crawford
 J9M0044

Central Seal Company
 Danville, KY

Call X01

Various 437,570.31
 Butler/Cape Girardeau/Jefferson/
 Madison/Mississippi/New Madrid/
 Pemiscot/Perry/St. Francois/
 Ste. Genevieve/Scott and Stoddard
 J0M0016

NES Traffic Safety, L.P.
 Romeoville, IL

Call X02

25 657,511.42 656.00
 Cape Girardeau
 J0S0863

Penzel Construction
 Company, Inc.
 Jackson, MO

Call X03

34 6,303,118.52 2,408.80
 Cape Girardeau
 J0U0598

Penzel Construction
 Company,
 Inc.
 Jackson, MO

Call X04

55 332,209.51 328.00
 Scott
 J0M0015

Chester Bross Const. Co./
 C.B. Equipment, Inc.
 Hannibal, MO

Totals	\$82,898,462.69	\$1,632,295.21
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*City of Kearney is responsible for approximately \$3,062,108.30

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

Authority to Reject Bids, May 21, 2004 Bid Opening

Ms. Heckemeyer advised the Commission that bids were received May 21, 2004, on the following projects. She recommended the bid on call numbers 403, 602, and 606 be rejected because they were considered excessive.

<u>Route</u>	<u>County</u>	<u>Project</u>
Call 403 169	Clay	J4P1506
Call 602 44	St. Louis	J6I1712
Call 606 44	St. Louis	J6I1672

Award of Contracts, May 27, 2004, Bid Opening

Ms. Heckemeyer stated that bids for road and bridge improvement projects had been received on May 27, 2004, in the District 6 office on the following project. She presented a tabulation of the bids received and recommended awards be made to the lowest responsive and responsible bidder noted below.

<u>Route</u> <u>County</u> <u>Project</u>	<u>Bid Amount</u> <u>Plus 3% for</u> <u>Contingencies</u>	<u>Non-</u> <u>Contractual</u> <u>Costs</u>	<u>Contractor</u>
Call 601 64 St. Louis City J6M0089	\$458,867.27		KCI Construction Company St. Louis, MO

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

Concurrence in Award of Contracts Let by Others

Ms. Heckemeyer stated that bids for road improvement projects had been received by the City of Higginsville on May 19, 2004. She presented a tabulation of the bids received and recommended concurrence in award to the lowest responsible and responsible bidder noted below:

Route		
County		
<u>Project</u>	<u>Bid Amount</u>	<u>Contractor</u>
13	*\$586,462.15	Musselman & Hall
Lafayette		Contractors, LLC
J4S1584		Kansas City, MO

*Commission's share is limited to \$67,000.

Commission Action

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Webber, the Commission took the following action.

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on May 21, 2004, May 27, 2004, and May 19, 2004, as recommended and noted above, except that award of Call 301 is contingent upon an executed funding agreement with the City of Hannibal. The Commission authorized an additional three percent of the contract amount for contingencies and approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation.
2. Rejected all bids on Calls 403, 602, and 606.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, or Director of Project Development may execute the contracts awarded above.

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CHANGE IN ACCESS, ENTRANCE WIDENING, ROUTE 5, LACLEDE COUNTY

On behalf of the Interim Director, Dale Ricks, District 8 Engineer, reported that North Lakes Development, LLC, had submitted a request to widen a 20-foot entrance located at the northerly right-of-way line opposite Station 618+55 to 44 feet to accommodate a residential subdivision.

Mr. Ricks recommended the request be granted and that the compensation due the Commission for the change in access be reduced from \$900, as determined by MoDOT's Value Determination Schedule, to \$100 due in deference to the developer constructing improvements on Route 5, Laclede County.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**DISPOSAL OF CAPITAL IMPROVEMENT PROPERTY,
DISPOSAL OF TROY MAINTENANCE LOT, LINCOLN COUNTY**

On behalf of the Interim Director, Kirk Juranas, District 3 Engineer, recommended that the former Troy maintenance lot, containing 4.94 acres and improvements, be conveyed to the Turnbull Family, LP, for a consideration of \$501,002. The site is located off of Frenchman's Bluff Road in the City of Troy, Lincoln County.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**DISPOSAL OF EXCESS PROPERTY,
ROUTE 40/61 (I-64), ST. LOUIS COUNTY**

On behalf of the Interim Director, Ed Hassinger, District 6 Engineer, recommended approval to convey 0.557 acre of land located along South Outer Forty, the south outer road for Route 40/61 (I-64), west of the intersection of Route 40/61 (I-64) and Route 141 in St. Louis County (Excess Parcel No. E6-26737) to Stoneridge Holdings, LLC, for a consideration of \$71,785.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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ROADWAY LOCATION AND DESIGN APPROVAL

On behalf of the Interim Director, District Engineers recommended the Commission approve the location and design for the following projects.

**Route DD, Shelby County
2.4 Miles East of Route 151 (Otter Creek)
Job No. J3S0512**

No Public Hearing Held

This improvement provides for grading, paving, and replacing the bridge over Otter Creek. This project has normal access right of way. The road will be closed during construction, and traffic will be detoured over Routes DD, A, J, and 151. This project is 1.1 miles in length.

Mr. Kirk Juranas, District 3 Engineer, recommended approval of the location and design as advertised in the Opportunity for a Public Hearing.

**Route 61 and Route C Interchange, Lincoln County
(Moscow Mills)
Job No. J3P0596C**

Public Hearing Held April 8, 2004

This improvement consists of constructing a diamond interchange at the intersection of Routes 61 and C, and extending an existing service road from Route C to Bueneman Lane, closing three at-grade intersections along Route 61 at Tropicana Village Drive, Route C and Minas Street and one additional median opening at Bueneman Lane. The extension of Route C will consist of four 12-foot lanes with 10-foot shoulders through the new interchange and include controlled access right of way. Local traffic will be detoured over city streets and portions of the new construction until the new interchange is opened. This project is 1.6 miles in length.

Mr. Kirk Juranas, District 3 Engineer, recommended approval of the location and design of the proposed improvement as presented at the hearing with a minor realignment of the city street extension to better accommodate the property owners it is meant to serve.

**Route 92, Clay County
2.5 Miles East of Route 33
Job No. J4P1116**

Public Hearing Held April 8, 2004

This improvement replaces the bridge over Carroll Creek with a new 44-foot roadway, having 12-foot lanes and 10-foot shoulders with normal access right of way. Traffic will remain on the existing road and bridge during construction. This project is 0.6 mile in length.

Mr. Sabin Yanez, District 4 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route 54, Camden/Miller Counties
0.5 Mile West of Route 42 to Business 54
Job No. J5P0648**

Public Hearing Held July 17, 2003

This improvement provides for four-lane divided highway on new location with interchanges. Each new roadway will have two 12-foot lanes with a 10-foot outside shoulder and 4-foot inside shoulder. Right of way will be fully controlled access. Adequate signing will be provided to control traffic flow in the area and will be augmented through Public Information and Outreach efforts to advise motorists of this traffic situation. This project is 1.5 miles in length.

Mr. Roger Schwartze, District 5 Engineer, recommended approval of the location of the proposed "Alternative C" as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission, via approval of the consent agenda, unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendations.

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**RATIFICATION OF APPROVAL OF RIGHT OF WAY
PLANS FOR CONDEMNATION**

On behalf of the Interim Director, Diane Heckemeyer, State Design Engineer, recommended the Commission ratify the Chief Engineer's approval of the following right of way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Jasper	71B	J7S0708	October 5, 2001 (1 st Amended)
Gentry	DD	J1S0811	N/A

In accordance with Section 227.050 RSMo, the Commission, via approval of the consent agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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-- REPORTS --

MoDOT FINANCIAL REPORT

Pat Goff, Director of Finance, presented the Financial Report for Fiscal Year 2004 period ending April 30, 2004. The report shows budget to actual cost comparisons.

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By unanimous vote of all members present, the meeting of the Commission was adjourned.

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